

**R E M A R K S**

Reconsideration of this application, as amended, is respectfully requested.

**RE: THE ALLOWABLE SUBJECT MATTER**

The Examiner's indication of the allowability of the subject matter of claim 6 and the Examiner's indication of the allowability of the subject matter of claims 11 and 13 is respectfully acknowledged.

Claim 6 has been amended to be rewritten in independent form to include all of the limitations of its parent claim 5.

In addition, claim 11 has been amended to correct the minor informality pointed out by the Examiner.

No new matter has been added, and no new issues with respect to patentability have been raised.

Accordingly, it is respectfully requested that the amendments to claims 6 and 11 be approved and entered, and it is respectfully submitted that amended independent claim 6 is now in condition for immediate allowance, and that claims 11 and 13 remain in condition for allowance.

**RE: THE SPECIFICATION**

The specification has been amended to make the clarification suggested by the Examiner. No new matter has been added, and it

is respectfully requested that the amendment to the specification be approved and entered and that the objection to the specification be withdrawn.

RE: THE PRIOR ART REJECTION

Claims 1-5, and 9-10 were rejected under 35 USC 103 as being obvious in view of the combination of USP 6,119,109 (newly cited "Muratani et al") and US 2002/0046277 (newly cited "Barna et al"). These rejections, however, are respectfully traversed.

The Examiner has cited Muratani et al for the disclosure of an information distribution system in which a variety of billing methods may be used. As recognized by the Examiner, however, Muratani et al does not disclose that, when it is judged that a measured transmitted/received data amount has reached a specified data amount, a user is warned that the transmitted/received data amount has reached the specified data amount. And as also recognized by the Examiner, Muratani et al does not disclose that when it is judged that the measured transmitted/received data amount has reached the specified data amount, transmission/reception of the set of objective data is temporarily suspended, an instruction is received from the user to resume or terminate transmission/reception of the set of objective data, and transmission/reception of the set of objective data is resumed or

terminated in accordance with the instruction, as recited in independent claims 1, 9 and 10.

For these reasons, the Examiner has cited Barna et al to supply the missing teachings of Muratani et al.

Barna et al discloses a billing system of a prepaid mobile phone. As recognized by the Examiner, according to Barna et al the volume of data permitted to be transmitted/received by a prepaid user is monitored with respect to the volume of data actually transmitted/received by the prepaid user. According to Barna et al, however, when the user has exhausted his prepaid volume of data, the data session is terminated. See paragraph [0013] of Barana et al, and particularly the last sentence thereof.

It is respectfully pointed out that if a data communication session is terminated when the data limit is reached (i.e., when a user has gone below the threshold volume of data), as in Barna et al, then it is not possible to receive a user instruction to resume or terminate transmission/reception of data during regular transmission/reception of data, and a user cannot be warned that the transmitted received data amount has reached the data amount specified in advance.

It is respectfully submitted, therefore, that Barna et al (like Muratani et al) fails to disclose means for receiving a

user instruction to resume or terminate transmission/reception of data, and resuming or terminating transmission/reception of data in accordance with the user instruction, when it is judged that the measured transmitted/received data amount has reached the specified data amount, as according to the present invention as recited in independent claims 1, 9 and 10. In addition, it is respectfully submitted that Barna et al also fails to disclose means for warning the user that the transmitted/received data amount has reached the specified data amount so as to resume or terminate transmission/ reception of data by the terminating means, as according to the present invention as recited in independent claims 1, 9 and 10.

With respect to independent claim 5, moreover, the Examiner acknowledges that Muratani et al does not disclose means for setting an upper limit value corresponding to a maximum allowed data amount for continuous transmission/reception of any set of objective data, or that when the (arbitrarily) set upper limit value is reached, it is judged that the transmitted/received data amount has reached the specified data amount. For this reason, the Examiner has again cited Barna et al for the disclosure of these additional missing teachings of Muratani et al.

It is respectfully pointed out, however, that the upper limit value disclosed in Barna et al is a usage limit of a

prepaid server, and it is impossible to arbitrarily set a value desired by the user within the usage limit, or to use the set value to warn the user. That is, the upper limit value according to Barna et al is a usage limit, and Barna et al does not disclose arbitrarily setting a value within the usage limit or warning the user based on such a value.

By contrast, the set upper limit according to the present invention as recited in independent claim 5 corresponds to a maximum allowed data amount for continuous transmission/reception of any set of objective data.

In view of the foregoing, it is respectfully submitted that the present invention as recited in each of independent claims 1, 5, 9 and 10 clearly patentably distinguishes over the combination of Muratani et al and Barna et al under 35 USC 103, along with allowable claims 6, 11 and 13.

Accordingly, it is respectfully submitted that all of the pending claims are now in condition for allowance.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,

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